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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

21
22 EB HOLDINGS II, INC. and QXH II, INC.,
23
24 Plaintiffs,
25 v.
26 ILLINOIS NATIONAL INSURANCE
27 COMPANY, CONTINENTAL
28 CASUALTY COMPANY, and FEDERAL
INSURANCE COMPANY,

Case No.: 2:20-cv-02248-JCM-NJK

**JOINT STIPULATION OF APPENDIX OF
EXHIBITS FOR SUMMARY JUDGMENT**

1
2 Defendants.
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4 Plaintiffs EB Holdings II, Inc. (“EBH”), QXH II, Inc. (“QXH,” and together with EBH,
5 the “Plaintiffs”) and Defendants Illinois National Insurance Company (“Illinois National”),
6 Continental Casualty Company (“Continental”), and Federal Insurance Company (“Federal,” and
7 together with Illinois National and Continental, the “Defendants,” and together with the Plaintiffs,
8 the “Parties”), by and through their respective counsel of record, submit the following Joint
9 Stipulation of Appendix for Summary Judgment:

10 1. Attached as Exhibit 1 is a true and correct copy of the original complaint in the
11 lawsuit captioned, *GoldenTree Master Fund, Ltd. et al. v. Howard M. Meyers et*
al., Case No. A-16-742507-B.

12 2. Attached as Exhibit 2 is a true and correct copy of the first amended complaint in
13 the lawsuit captioned, *GoldenTree Master Fund, Ltd. et al. v. Howard M. Meyers et*
al., Case No. A-16-742507-B.

14 3. Attached as Exhibit 3 is a true and correct copy of the second amended complaint
15 in the lawsuit captioned, *GoldenTree Master Fund, Ltd. et al. v. Howard M. Meyers et*
al., Case No. A-16-742507-B.

16 4. Attached as Exhibit 4 is a true and correct copy of the operative third amended
17 complaint in the lawsuit captioned, *GoldenTree Master Fund, Ltd. et al. v. Howard M. Meyers et*
al., Case No. A-16-742507-B.

18 5. Attached as Exhibit 5 is a true and correct copy of the operative complaint in the
19 lawsuit captioned, *EB Holdings II, Inc. v. GoldenTree Master Fund, Ltd. et al.*,
20 Case No. A-16-745669-B.

21 6. Attached as Exhibit 6 is a true and correct copy of the Statement of the PIK
22 Lender Group in Support of Involuntary Chapter 11 Petition Under Section 303
23 of the Bankruptcy Code filed in United States Bankruptcy Court for the District
24 of Nevada, No. 17-12642-MKN, ECF 6.

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- 1 7. Attached as Exhibit 7 is a true and correct copy of the voluntary bankruptcy
2 petition filed by EB Holdings II, Inc. and its affiliates in United States Bankruptcy
3 Court for the District of Nevada, No. 19-16364-MKN, at ECF 1.
- 4 8. Attached as Exhibit 8 is a true and correct copy of the BOATS 2007 Issue
5 Memorandum.
- 6 9. Attached as Exhibit 9 is an email from Plaintiffs' insurance broker, Marsh, dated
7 September 18, 2015, to representatives of various insurance companies including
8 Illinois National, and the attachments to that email. One attachment to the email
9 is Plaintiffs' application, signed and dated September 15, 2015, for the Directors,
10 Officers and Private Company Liability Insurance Policy Number 02-245-65-22
11 issued by Illinois National Insurance Company for the policy period of October
12 31, 2015 to November 1, 2016.
- 13 10. Attached as Exhibit 10 is a true and correct copy of Directors, Officers and Private
14 Company Liability Insurance Policy Number 02-245-65-22 issued by Illinois
15 National Insurance Company for the policy period of October 31, 2015 to
16 November 1, 2016.
- 17 11. Attached as Exhibit 11 is a true and correct copy of Excess Policy No. 425467175
18 issued by Continental Casualty Company for the policy period of October 31,
19 2015 to November 1, 2016.
- 20 12. Attached as Exhibit 12 is a true and correct copy of Excess Insurance Policy,
21 Policy Number 02-245-71-16 issued by Illinois National Insurance Company for
22 the policy period of October 31, 2015 to November 1, 2016.
- 23 13. Attached as Exhibit 13 is a true and correct copy of Excess Insurance Policy,
24 Policy Number 8181-4853 issued by Federal Insurance Company for the policy
25 period of October 31, 2015 to November 1, 2016.
- 26 14. Attached as Exhibit 14 is a true and correct copy of a March 13, 2017 letter from
27 Alice Mascioli to Melissa Sommers.

1 15. Attached as Exhibit 15 is a true and correct copy of a March 21, 2017 email from
2 Peter Critchell to Andrea Lieberman and the attachment to the email, which is a
3 letter from Alice Mascioli to Melissa Sommers.

4 16. Attached as Exhibit 16 is a true and correct copy of an August 17, 2017 letter
5 from Alice Mascioli to Melissa Sommers.

6 17. Attached as Exhibit 17 is a true and correct copy of an October 17, 2017 letter
7 from Kimberly Potter Andersen to Melissa Sommers.

8 18. Attached as Exhibit 18 is a true and correct copy of the PIK Loan Agreement.

9 19. Attached as Exhibit 19 is a true and correct copy of the involuntary bankruptcy
10 petition filed in United States Bankruptcy Court for the District of Nevada, No.
11 17-12642-MKN, ECF 1.

12
13 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

14 All signatories listed, and on whose behalf the filing is submitted, concur in the
15 content and have authorized the filing.

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